

TO: The Honorable Board of Supervisors

FROM: B. Clayton Goodman, III, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: November 12, 2008

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. Towing Advisory Board
 2. Workforce Investment Board (WIB)
 3. Board of Zoning Appeals (BZA)
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Montgomery County Government Center
 2. Courthouse Property

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. DELEGATION

**A. SUBJECT: VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, will update the Board of Supervisors on road issues/concerns in Montgomery County.

VIII. PUBLIC ADDRESS

IX. ADDENDUM

X. CONSENT AGENDA

XI. OLD BUSINESS

**A. SUBJECT: SPECIAL USE PERMIT – LAWRENCE
ESTES (AGENT: AT&T)
TELECOMMUNICATIONS TOWER**

**R-FY-09-
SPECIAL USE PERMIT
LAWRENCE S. ESTES (AGENT: AT&T)
FOR THE PURPOSE OF ALLOWING
A 120 FOOT TELECOMMUNICATIONS TOWER
PARCEL ID #006179, TAX MAP NUMBER 68-A-145**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Lawrence S. Estes (Agent: AT&T) request for a Special Use Permit (SUP) on 44.923 acres in an Agriculture (A-1) zoning district to allow a 120 foot tall telecommunications tower is consistent with the County's Comprehensive Plan and is hereby **approved** with the following conditions:

1. Tower shall not exceed a total overall height of 120 feet inclusive of the proposed lightening rod with a ground elevation of 1,786 feet. Tower shall not have lighting. Tower shall have a base diameter not to exceed 48 inches and a top diameter of 22 inches.

2. Site development shall be in substantial conformance with the plans entitled, "AT&T Saint Andrews, Site No. R0339G", prepared by BC Architects Engineers, dated July 30, 2008 and received by Montgomery County on August 1, 2008. Revised Sheet No. VA-R0339G-A-1 shall be received and approved by the Zoning Administrator to indicate revised antenna conditions for Verizon equipment to be located in the second position on the tower before site plan approval and issuance of zoning permit.
3. Tower shall be of a "monopole stealth design" where all antennae shall be flush mounted (distance between face of pole and outer face of antennas not to exceed 12 inches in the top position; 24 inches may be necessary for modified flush mount antennas in the second position from the top of the structure for Verizon wireless only). Tower shall be painted brown (Wooden Cabin or similar color brown). All wiring and cables shall be located inside the pole structure.
4. Engineering plans, signed and sealed by a licensed engineer in the State of Virginia, shall be submitted to and approved by the Building Official prior to issuance of a building permit.
5. No platforms or dishes shall be permitted on the structure above the tree line.
6. Tower shall meet all regulations found in Section 10-48(6) of the Montgomery County Zoning Ordinance.
7. Backup generator, if applicable, shall be fueled only by propane.
8. Owner/agent shall provide emergency services antennae space on the proposed tower for the agreed upon rental rate of \$1 per year subject to the structural capacity of the tower and provided that emergency service antennae do not provide radio frequency interference to other antennae located upon the tower.
 - Emergency service providers shall provide equipment.
 - Tower owner/agent shall install the antennae at market rate.
 - If the County declines the offered location, the tower owner will provide the County with the next highest location on the tower. In no case shall the County be offered a height of less than eighty-six feet (86 feet) on the tower.
9. Tower compound fence shall be screened with Leyland Cypress, 6 feet in height and 5 feet on center. Similar screening shall be provided along the Amodeo (Tax Map 055-16-23D)/ Estes

Property in the line of site of the proposed house site in accordance with the attached conceptual map dated November 6, 2008. Screening shall be approved by the Zoning Administrator at the time of the site plan approval.

10. All trees on the property (within 50 feet of the proposed lease area) shall be maintained and not removed except for damaged or diseased trees.

The property is located at 906 Den Hill Road and is identified as Tax Parcel No(s) 68-A-145, Parcel ID 001679, in the Mount Tabor Magisterial District (District B). This property currently lies in an area designated as Resource Stewardship in the Comprehensive Plan.

JUSTIFICATION: At their October 8, 2008 meeting, the Planning Commission recommended approval of the request (vote of 6-1, Seitz opposed, Cochran and Rice absent). See TAB B.

XII. NEW BUSINESS

A. SUBJECT: AMENDMENT TO THE COUNTY'S PERSONNEL POLICIES AND PROCEDURES

R-FY-09- RESOLUTION AMENDING THE COUNTY'S PERSONNEL POLICES AND PROCEDURES

BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby approves the revisions to the County's Personnel Policies and Procedures.

See TAB C for a copy of the proposed revisions.

ISSUE/PURPOSE: To approve the revisions to the County's Personnel Policies and Procedures.

JUSTIFICATION: Annually, County staff reviews the County's Personnel Policies and recommends revisions to address changes to the federal and state law and to clarify programs and activities, which are described in the policies. TAB C includes a copy of the propose revisions and a summary on the reason for the revisions.

B. SUBJECT: AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING WITH FRIENDS OF ANIMAL CARE AND CONTROL

**R-FY-09-
AMENDMENT TO THE MEMORANDUM
OF UNDERSTANDING BETWEEN MONTGOMERY COUNTY AND
FRIENDS OF ANIMAL CARE AND CONTROL (FACC)**

WHEREAS, The Montgomery County Board of Supervisors adopted a Memorandum of Understanding (MOU) at its March 26, 2007 meeting with the Friends of Animal Care and Control for a volunteer service program to assist the County in providing services to its animal shelter program; and

WHEREAS, Following a review of the memorandum several revisions are needed to address changes in the Volunteer Worker Requirements/ County Requirements.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby amends the Memorandum of Understanding between Montgomery County and the Friends of Animal Care and Control.

BE IT FURTHER RESOLVED, That B. Clayton Goodman, III, County Administrator, is authorized to execute the Memorandum of Understanding on behalf of Montgomery County.

A copy of said MOU is attached and made a part of this resolution.

ISSUE/PURPOSE: To amend the Memorandum of Understanding between Montgomery County and Friends of Animal Care and Control.

JUSTIFICATION: On March 26, 2007 the Board approved entering into an MOU with the FACC to provide volunteer services to the animal shelter program. Revisions to the MOU on Section 3.1 - Volunteer Worker Requirements/County Requirements

TAB **D** includes a copy of the MOU with FACC. Deletions are noted with ~~striketrough~~ and changes and additions noted in ***Bold Italic***.

C. SUBJECT:

**APPOINTMENTS – WESTERN VIRGINIA
REGIONAL JAIL AUTHORITY**

**R-FY-08-
APPOINTMENTS
WESTERN VIRGINIA REGIONAL
JAIL AUTHORITY**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints the following to the Western Virginia Regional Jail Authority effective January 1, 2009 and expiring December 31, 2009:

Sheriff Tommy Whitt	Captain Robert L. Hall (alternate)
Doug Marrs, Board of Supervisors	Gary D. Creed (alternate)
B. Clayton Goodman, III, Staff Member	L. Carol Edmonds (alternate)

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That all annual appointments to the Western Virginia Regional Jail Authority shall be made by the Board prior to January 1 of the effective year.

ISSUE/PURPOSE: Appointments to the Western Virginia Regional Jail Authority.

D. SUBJECT:

SMOKE FREE INDOOR AIR RESOLUTION

R-FY-09-

SMOKE FREE INDOOR AIR RESOLUTION

WHEREAS, Secondhand smoke kills at least 35,000 non-smokers nationally and approximately 1,000 in Virginia each year; and

WHEREAS, A 2006 report by the U.S. Surgeon General has concluded that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke and that there is no risk-free level of exposure to secondhand smoke; and

WHEREAS, Designated smoking sections do not eliminate non-smokers exposure to secondhand smoke nor protect the employees of these establishments; and

WHEREAS, According to the U.S. Surgeon General, the only way to fully protect employees and the public from the hazards of secondhand smoke is to create smoke-free environments; and

WHEREAS, Smoke-free air regulations are public health issues; and

WHEREAS, Local and state governments throughout the country have successfully passed smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

WHEREAS, The Board of Supervisors of Montgomery County desires to protect the health, comfort and working environment of its residents and employees as they may be affected by smoking in various public places in the County; and

WHEREAS, The General Assembly of the Commonwealth of Virginia has neither passed statewide smoke-free legislation nor provided Virginia localities the legal authority through legislation to pass local smoke-free policies.

NOW, THEREFORE, BE IT RESOLVED, That Montgomery County endorses:

- The enactment of smoke free air legislation that will restrict smoking in all public indoor environments and workplaces, thereby protecting all Virginians from further health risks.
- OR the enactment of legislation which would empower this locality to enact a smoke free air ordinance at the local level.

ISSUE/PURPOSE: Adopt resolution in support of enactment of smoke free air legislation.

JUSTIFICATION: See TAB E for a copy of fact sheet from “Virginians for a Healthy Future”.

XIII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Annual/Biennial Reassessment (TAB F)

XIV. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XV. COUNTY ATTORNEY’S REPORT

XVI. COUNTY ADMINISTRATOR’S REPORT

XVII. BOARD MEMBERS’ REPORT

1. Supervisor Muffo
2. Supervisor Creed
3. Supervisor Brown
4. Supervisor Marrs
5. Supervisor Biggs
6. Supervisor Politis
7. Supervisor Perkins

XVIII. OTHER BUSINESS

XIX. ADJOURNMENT

FUTURE MEETINGS

Special Legislative Meeting
Multi-Purpose Room – First Floor
Wednesday, November 19, 2008
6:00 p.m.

Adjourned Meeting
Monday, November 24, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Regular Meeting
Monday, December 15, 2008
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda